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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/972,191	10/09/2001	Peter T. Main	723-1176	3125

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NIXON & VANDERHYE, P.C.
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ARLINGTON, VA 22203

EXAMINER

BOVEJA, NAMRATA

ART UNIT	PAPER NUMBER
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3622

MAIL DATE	DELIVERY MODE
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03/09/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

**Advisory Action
Before the Filing of an Appeal Brief**

Application No.

09/972,191

Applicant(s)

MAIN ET AL.

Examiner

Namrata Boveja

Art Unit

3622

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 22 January 2007 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☐ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☐ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: _____.
Claim(s) rejected: _____.
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____.
13. ☐ Other: _____.

Continuation of 11. does NOT place the application in condition for allowance because: In reference to the 112 rejections, the clarification of the term "first credit" with reference to claim 16, is sufficient to overcome this rejection. However, the 112 rejections for claims 25 and 26 are maintained. Specifically, no input is received from the user in Figures 8 and 9 as claimed by Applicant. Input is defined in the Microsoft Computer Dictionary (see attached pages) to mean information entered into a computer or program for processing, as from a keyboard or from a file stored on a disk drive. All the user is doing in the Applicant's invention is selecting a year and displaying static results associated with that year. There is nothing being entered into the computer by the user, and hence there is no input being provided and no calculation is being performed.


The 102 rejections for claims 1-4, 7-10, and 27 are maintained. The Applicant argues that the Acer website does not teach generating a webpage and displaying at the amount of credit on the website. The Examiner respectfully disagrees and would like to point the Applicant to page 3 that illustrates the amount of credit available for use by the user based on a percentage of net purchases the user has already made, and this information is posted on the Acer Channel Forum Website (i.e. receiving a 2% credit on net purchases is an amount of credit). Applicant further argues that nothing in the Acer website teaches calculating various amounts of credit and displaying the amount of credit on a webpage. The Examiner again respectfully disagrees with the Applicant and would like to point the Applicant to page 3. A 2% credit on net purchases is a calculation, since to determine the 2% credit a mathematical calculation has to be made. And, displaying this 2% credit on a webpage is done on page 3. Applicant argues that accrual rates are not amounts of credits. The Examiner disagrees, since a 2% credit is both an accrual rate and an amount of credit and it is a calculation as well. The Applicant also argues that claims 1 and 7 teach various amounts of credits and points to the use of the terms "an amount of credit" and "an amount of approved credit." The Examiner respectfully disagrees, since an amount does not equate to various amounts but rather a singular amount. While the Applicant is correct that the claimed invention teaches the function of generating a webpage, the Acer website also teaches this function, since it is a website and all the presented information is from that website that was generated.

The 103 rejections are maintained. The Applicant argues that there is no information regarding the amounts of credits provided on the Acer website. Again, the Examiner disagrees and would like to point the Applicant to page 3 where the amounts of credit information is provided on the Acer website. Applicant further argues that the Acer website appears to be static. With respect to this, based on Applicant's Figures 8 and 9, Applicant's information presented in those figures also appears to be static, but regardless of whether it is or is not static, this is not a limitation of the claims, and the Applicant is arguing what he has not even claimed.

Applicants arguments with reference to the Official Notice do not have any merit. First of all just because the Channel Forum reference suggests mailing out the statements as a preferred way to send this information to the user, does not mean that the reference falls apart if the statements are not mailed. Specifically, information regarding the amount of credit may or may not be mailed but is definitely presented on the Channel Forum website on Page 3. Furthermore, the Applicant argues that the manner in which information is collected would have to be changed if information would end up being mailed. This again has no merit, since once the data is collected, whether it is printed or just posted on the website, will have no effect whatsoever on how that data was initially collected. The Examiner is not sure why the Applicant believes the data collection will be effected by providing the option of mailing the statements. In fact, no modification will be needed to be made to present data on the web versus e-mail versus paper mail. For example, if you have data in an Excel file, you can post it on the web, you can print it out, and you can mail it. Applicant's comment about how the teachings of the prior art are contradictory and not in the same field of endeavor is simply a bald allegation. Applicant offers no support to back up this statement, and it is therefore without any merit. The previously made rejection is maintained.

Therefore, the while the 112 rejection for claim 16 is removed, all the other remaining 112, 102, and 103 rejections are maintained.




RETTA YEHEDEGA
PRIMARY EXAMINER